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*Attorneys for Defendants City of Phoenix,
Sullivan, Ladines, Garza, Roy, Ravelo, Ramirez
and Howard*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kashane Kirk, *et al.*,

Plaintiffs,

vs.

City of Phoenix, *et al.*,

Defendants.

Case No. CV 23-00836-MTL (CDB)

**UNOPPOSED MOTION TO RESET
SCHEUDLING CONFERENCE**

**EXPEDITED CONSIDERATION
REQUESTED**

Defendants City of Phoenix, Michael Sullivan, Autumn Ladines, Antonio Garza, Eric Roy, Jaclyn Ravelo, Steven Ramirez, and Jonathan Howard (collectively referred to hereinafter as “Defendants”), by and through counsel undersigned, hereby request that the date for the January 23, 2024, Rule 16 scheduling conference be reset by 30 days to on or after February 21, 2024. A proposed order is filed contemporaneously herewith.

This additional request is made for good cause and not for the purpose of delay. *See* Fed.R.Civ.P. 16(b)(2). Good cause exists here because Defendants’ Motion to Dismiss is currently pending a ruling from the Court. Because this Motion to Dismiss seeks dismissal of Plaintiff’s entire Complaint, a scheduling conference may be unnecessary should the

1 Court agree with the arguments asserted in Defendants' Motion. Moreover, if the Motion
2 is only granted in part, then resetting the scheduling conference is still warranted because
3 Defendants cannot properly ascertain what deadlines are appropriate for this case without
4 knowing which issues may, or may not, survive the Motion to Dismiss.

5 Additionally, undersigned counsel for these Defendants also just unexpectedly lost
6 an attorney on her team (who also handled multiple other cases for her) and learned of her
7 departure only the week prior to Christmas with very little notice (her last day was
8 December 28th). And at the same time undersigned counsel had numerous other staff and
9 attorneys who assist her on multiple cases out ill or on vacations over the last few weeks
10 (including having COVID herself in December and experiencing an unexpected death in
11 the family). All of the foregoing has significantly delayed Defendants' counsel in
12 coordinating with clients and other attorneys (and experts in some) in this and other cases,
13 while she is also in the process of trying to replace the recently departed attorney. The
14 foregoing has also interfered with undersigned counsel's ability to fully assess the case to
15 provide input and proposed edits/dates to the draft case management report, the draft of
16 which Plaintiff's counsel sent over just after the first of the year.

17 This request to reset the scheduling conference by thirty (30) days is necessary for
18 undersigned counsel to adequately represent the interests of the Defendants in this matter.
19 This request should also benefit the other Parties and their counsel, as it will allow them to
20 set appropriate deadlines based on the result of Defendants' pending Motion to Dismiss,
21 which could result in limited or reduced discovery. To comply with LRCiv 7.3(b),
22 undersigned counsel exchanged emails with Plaintiffs' counsel about this request, and
23 Plaintiffs' counsel ultimately agreed they do not oppose the request to reset the conference
24 for 30 days.

25 For the foregoing reasons, Defendants respectfully request that the Court reset the
26 scheduling conference for approximately 30 days from the date it is currently scheduled,

1 January 23, 2024, to a date and time convenient for the Court on or after February 21, 2024.
2 If the Court is not inclined to reset the case management conference 30 days, then
3 Defendants request it be reset a week later or that the Parties be given three (3) additional
4 business days from today to provide their input to the joint report.

5 RESPECTFULLY SUBMITTED this 16th day of January, 2024.

6 BROENING OBERG WOODS & WILSON, P.C.

7
8 By: /s/ Sarah L. Barnes

Sarah L. Barnes

Kelley M. Jancaitis

9 *Attorneys for Defendants City of Phoenix,*
10 *Sullivan, Ladines, Garza, Roy, Ravelo,*
11 *Ramirez and Howard.*

I hereby certify that on January 16, 2024, I electronically transmitted the foregoing with the Clerk of the Court using the CM/ECF system for filing, with copies submitted electronically to the following recipients:

/s/ *Kathy Lake*